

### REMARKS

Prior to the amendment set forth above (the present amendment), original Claims 1-27 were pending, including original independent Claims 1, 26 and 27. Claims 5 and 23 are hereby canceled. After entry of the present amendment, Claims 1-4, 6-22, and 24-27 are pending, including independent Claims 1, 26 and 27.

In section 1 of the current Office Action, the Examiner requires correction of an informality by explicitly writing out the term "intergenerational soft handoff" with respect to Claims 5 and 6. This informality has been detected elsewhere (e.g., Claim 22) as well. To correct all such informalities, while providing slightly more concise claims, the present amendment formally defines the acronym "ISHO" in Claim 1, and thereafter each instance of "intergenerational soft handoff" is replaced by the acronym "ISHO."

#### *Amendments to the Claims*

No new matter is added by the current amendments. Support for the amendments is generally provided by the claims as originally filed. The amendment to Claim 1 includes the subject matter of previous Claims 5 and 23, which have been hereby canceled. In the case of Claim 26, the "means plus function" language has been replaced with descriptions of generic apparatus. A skilled person will recognize such generically described apparatus as inescapable to effect the functions claimed, for example, in Claim 5 as originally filed. The recited apparatus is thus present in the subject application at least in the CDMA standards specifications incorporated by reference, and also by implication from the described functions. The replacement of the previous "means plus function" language is expressly intended to avoid construing the claim according to the requirements of 35 USC 112, sixth paragraph. Amendments have been made to clause identification to improve clarity, but such amendments are not substantive.

#### *Rejections under 35 USC § 103*

In section 2 of the current Office Action, the Examiner rejects pending Claims 1-4, 11-12, 21-22, and 26-27 under 35 USC § 103(a) as obvious over U.S. Patent 6,708,041 to Butovitsch et al. ("Butovitsch") in view of U.S. Patent 6,594,242 to Kransmo ("Kransmo"). However, the Examiner found original Claims 5 and 23 allowable (when appropriately rewritten). The subject matter recited in original Claim 5 (or Claim 23) has been appropriately incorporated into each independent claim, which is believed to thereby render each claim properly allowable in accordance with the Examiner's requirements. The limitations of intervening original Claim 4, which define one of three methods for effecting step (a) of Claim 1, appear inessential for the patentability acknowledged for Claim 5. Those limitations have accordingly been retained in dependent

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Claim 4 as presently amended, rather than incorporated into Claim 1 (or other independent claim). Similarly, the intervening limitations set forth in Claims 21 and 22 are retained as dependent claims, rather than incorporated into Claim 1, as inessential to the allowability of an independent claim.

**Conclusion**

As described in the foregoing remarks, the present amendments are believed to place the subject application in condition for allowance in accordance with the requirements set forth by the Examiner in the current Office Action. Because each independent claim has been amended to conform to the Examiner's requirements, and because each other claim properly depends from one of the independent claims, it is respectfully submitted that each and every claim, as presently pending, is properly allowable over any combination of the cited prior art. As such, the Examiner is respectfully requested to issue a Notice of Allowance in respect of all claims pending after entry of the present amendment.

If any issue can benefit from further clarification, or correction, the Examiner is respectfully urged to contact the undersigned by telephone, so as to facilitate timely completion of prosecution of the subject application.

The Commissioner is authorized to construe this paper as including a petition to extend the period for response by the number of months necessary to make this paper timely filed. Fees or deficiencies required to cause the response to be complete and timely filed may be charged, and any overpayments should be credited, to our Deposit Account No. **50-0490**.

Respectfully submitted,

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